

REMARKS

In the **final** Office Action mailed January 6, 2010 the Office noted that claims 15-31 were pending and rejected claims 15-24 and 27-31 and objected to claims 23-26. In this amendment claims 17 has been amended; no claims have been canceled; and, thus, in view of the foregoing claims 15-31 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for taking the time to interview this Application. We make argument here that reflects the acknowledgement that Liam and Bague do not disclose having said programmable processing member **determine that said video camera is substantially stationary** in relation to said scene.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 23-26 would be in a condition for allowance if re-written to include the features of the independent claims and any intervening claims as well as overcoming the indefiniteness rejection. The Applicant thanks the Office for the consideration given the claims and submits that the claims are allowable for the reasons discussed below.

The features of claims 6-9 are now found in claims 23-26.

REJECTIONS under 35 U.S.C. § 112

Claims 16-31 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that claims 17 and 31 contain indefinite terms.

The Applicant has amended the claims to overcome the rejection. The Applicant submits that no new matter is believed to have been added by the amendment of the claim.

Further, as the claim requires "having said programmable processing member determine that said **video camera is substantially stationary in relation to said scene**," the camera must always be used to determine relay the scene and thus there is not a case were the video camera is not used.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 15-21, 27 and 31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam, WO 01/33503 in view of Bague, U.S. Patent No. 6,246,933. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Liam discusses detecting a traffic incident of a

vehicle via a sequence of video images.

Bague discusses an on-board vehicle accident analysis system that records vehicle parameters and video images taken by cameras within the vehicle.

As discussed in the Interview, neither Liam nor Bague discusses determining that the video camera is not moving relative to the scene. While Liam determines that something in the scene is moving relative to the chevron, it is not the same as what is claimed. Bague likewise is not concerned with determining when the camera has stopped moving relative to the scene.

Likewise, neither reference discloses "**detection of movement of the at least one video camera,**" as in claim 31.

Therefore, for at least the reasons discussed above, Liam and Bague, taken separately or in combination, fail to render obvious the features of claim 17 and 31 and the claims dependent therefrom.

Claims 22 and 28-30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam in view of Bague further in view of Michalopoulos, U.S. Patent No. 4,847,772.

Michalopoulos discusses a traffic analysis system in which pixels selected and marked for further processing by an operator.

Michalopoulos adds nothing to the deficiencies of Liam and Bague as applied against claim 17 as discussed above.

Therefore, Liam, Bague and Michalopoulos, taken separately or in combination, fail to render obvious the features of claims.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 15-31 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg.No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/jr